

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

PEABODY ENERGY CORPORATION,

and

ARCH COAL, INC.,

Defendants.

Civil Action No. 4:20-cv-00317

DEFENDANTS' FINAL WITNESS LIST

Pursuant to the Case Management Order in this matter, Defendants Peabody Energy Corporation (“Peabody”) and Arch Resources, Inc. (“Arch”) (collectively, “Defendants”) submit their final witness list, including the information specified in Paragraph 2 of the Order Relating to Hearing identifying the witnesses who will be called to testify and those who may be called. Defendants reserve the right to call any fact witness who appears on Plaintiff’s fact witness lists and to call the custodian of records for any party or non-party from whom documents or records have been obtained to the extent necessary to demonstrate the authenticity or admissibility of documents, in the event a stipulation cannot be reached, in accordance with the Case Management Order and the Orders Relating to Hearing.

Defendants' final list of witnesses is as follows:

Witness	Employer	Contact Information	Anticipated Topics of Testimony	Will/May Call
Paul Lang	Arch Resources	Stephen Weissman Baker Botts LLP 700 K Street, NW Washington, DC 20001 202.639.1313 stephen.weissman@bakerbotts.com	Rationale for the joint venture; production and sale of SPRB coal; competitive pressures facing SPRB coal producers, including competition from other fuel sources; efficiencies and other procompetitive benefits of the joint venture; efficiencies achieved from prior transactions.	Will Call
Roger Clark	Associated Electric Coop, Inc.	Christiaan Horton Carnahan, Evans, Cantwell & Brown 2805 South Ingram Mill Road Springfield, MO 65804	Purchase and use of SPRB coal and other fuel sources; competitive dynamics of electricity markets, including competition from fuel sources other than SPRB coal; alternatives to purchasing SPRB coal; likely efficiencies from the joint venture.	Will call
Dave Hicks	DTE Energy	Brian Rafkin Dechert LLP 1900 K Street, NW Washington, DC 20006 brian.rafkin@dechert.com	Purchase and use of SPRB coal and other fuel sources; competitive dynamics of electricity markets, including competition from fuel sources other than SPRB coal; alternatives to purchasing SPRB coal; likely efficiencies from the joint venture.	Will call live by remote video
Ryan Trushenski	Entergy Corp.	Jennifer Quinn-Barabanov Stephoe & Johnson 1330 Connecticut Avenue NW Washington, DC 20036 JQuinnBarabanov@stephoe.com	Purchase and use of SPRB coal and other fuel sources; competitive dynamics of electricity markets, including competition from fuel sources other than SPRB coal; alternatives to purchasing SPRB coal; likely efficiencies from the joint venture.	Will call live by remote video
Harry Tipton	Navajo Transitional Energy Company	Erik Christiansen Parson, Behle & Latimer 201 South Main Street Salt Lake City, UT 84111 801.536.6719 EChristiansen@parsonsbehle.com	Production and sale of SPRB coal; competitive pressures facing SPRB coal, including competition from other fuel sources; competitive dynamics of wholesale electricity markets.	Will call live by remote video or present deposition testimony

Witness	Employer	Contact Information	Anticipated Topics of Testimony	Will/May Call
Gary Stuchal	Nebraska Public Power District	William Lamson Lamson, Dugan & Murray 10306 Regency Parkway Drive Omaha, NE 68102 wlamson@ldmlaw.com	Purchase and use of SPRB coal and other fuel sources; competitive dynamics of electricity markets, including competition from fuel sources other than SPRB coal; alternatives to purchasing SPRB coal; likely efficiencies from the joint venture.	Will call live by remote video
John Wagner	Northern Indiana Public Service Company	Vinu Joseph McGuireWoods 77 W. Wacker Drive, #4100 Chicago, IL 60601 312.750.3511 vjoseph@mcguirewoods.com	Purchase and use of SPRB coal and other fuel sources; competitive dynamics of electricity markets, including competition from fuel sources other than SPRB coal; alternatives to purchasing SPRB coal; likely efficiencies from the joint venture.	Will call live by remote video
Darrell Wilson	OGE Energy Corp.	Jennifer Castillo OG&E P.O. Box 321 Oklahoma City, OK 73101 castiljm@oge.com	Purchase and use of SPRB coal and other fuel sources; competitive dynamics of electricity markets, including competition from fuel sources other than SPRB coal; alternatives to purchasing SPRB coal; likely efficiencies from the joint venture.	Will call live by remote video
Glenn Kellow	Peabody Energy Corporation	Ted Hassi Debevoise & Plimpton LLP 801 Pennsylvania Ave. NW Washington DC 20004 202.383.8135 thassi@debevoise.com	Rationale for the joint venture; production and sale of SPRB coal; competitive pressures facing SPRB coal producers, including competition from other fuel sources; efficiencies and other procompetitive benefits of the joint venture.	Will call
Brock Haas	Peabody Energy Corporation	Ted Hassi Debevoise & Plimpton LLP 801 Pennsylvania Ave. NW Washington DC 20004 202.383.8135 thassi@debevoise.com	Rationale for the joint venture; production and sale of SPRB coal; competitive pressures facing SPRB coal producers, including competition from other fuel sources; efficiencies and other procompetitive benefits of the joint venture.	Will call live by remote video
Bryan Galli	Peabody Energy Corporation	Ted Hassi Debevoise & Plimpton LLP 801 Pennsylvania Ave. NW Washington DC 20004 202.383.8135 thassi@debevoise.com	Rationale for the joint venture; production and sale of SPRB coal; competitive pressures facing SPRB coal producers, including competition from other fuel sources; efficiencies and other procompetitive benefits of the joint venture.	Will call

Witness	Employer	Contact Information	Anticipated Topics of Testimony	Will/May Call
Brian Fuller	The Southern Company	Adam Di Vincenzo Gibson, Dunn & Crutcher LLP 1050 Connecticut Avenue, NW Washington, DC 20036 202.887.3704 adivincenzo@gibsondunn.com	Purchase and use of SPRB coal and other fuel sources; competitive dynamics of electricity markets, including competition from fuel sources other than SPRB coal; alternatives to purchasing SPRB coal; likely efficiencies from the joint venture.	Will call
Dr. Mark Israel	Compass Lexecon	Ted Hassi Debevoise & Plimpton LLP 801 Pennsylvania Ave. NW Washington DC 20004 202.383.8135 thassi@debevoise.com	Competitive effects of the joint venture; likely efficiencies from the joint venture; opinions of the FTC's expert witnesses; and the opinions disclosed in Dr. Israel's expert reports and deposition.	Will call
Dr. Elizabeth Bailey	NERA Economic Consulting	Stephen Weissman Baker Botts LLP 700 K Street, NW Washington, DC 20001 202.639.1313 stephen.weissman@bakerbotts.com	Competitive effects of the joint venture; opinions of the FTC's expert witnesses; and the opinions disclosed in Dr. Bailey's expert reports and deposition.	Will call
Julie M. Carey	NERA Economic Consulting	Ted Hassi Debevoise & Plimpton LLP 801 Pennsylvania Ave. NW Washington DC 20004 202.383.8135 thassi@debevoise.com	Wholesale electricity markets; the electricity industry and the opportunities for non-coal generating units to operate instead of generating units fueled by SPRB coal; opinions of the FTC's expert witnesses; and the opinions disclosed in Professor Carey's expert reports and deposition.	Will call

Dated: July 6, 2020

Respectfully Submitted,

/s/ Michael Perry

Stephen Weissman (*pro hac vice*)

Michael Perry (*pro hac vice*)

William Lavery (*pro hac vice*)

Andrew George (*pro hac vice*)

Matthew Adler (*pro hac vice*)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of July 2020, I served the foregoing on the following counsel via electronic mail:

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Counsel for Plaintiff Federal Trade Commission

/s/ Michael Perry
Michael Perry
Counsel for Defendant Arch Resources, Inc